

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ERIC DEAN SCHNAKENBERG,)	
)	
Movant,)	
)	
v.)	No. 4:08-CV-1870 CAS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on the motion of Eric Dean Schnakenberg, a federal prisoner, to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Movant pleaded guilty to one count of possessing child pornography and was sentenced to a term of 36 months in prison followed by 20 years supervised release. No direct appeal was filed. As grounds for § 2255 relief, movant claims his counsel was ineffective in that he did not file an appeal as movant instructed. Pursuant to the directive of the Eighth Circuit Court of Appeals in Watson v. U.S., 493 F.3d 960 (8th Cir. 2007), an evidentiary hearing is necessary to determine whether Mr. Schnakenberg indeed requested his attorney to file an appeal.

Accordingly,

IT IS HEREBY ORDERED that an evidentiary hearing shall be held at the Thomas F. Eagleton Courthouse in Saint Louis, Missouri on **Thursday, January 20, 2011**, at 10:30 a.m. in Courtroom 12-N to determine whether movant instructed his trial counsel to file an appeal.

IT IS FURTHER ORDERED that JoAnn Trog, 121 W. Adams, St. Louis, Missouri 63122, telephone number (314) 821-1111, is hereby appointed as counsel for movant.

IT IS FURTHER ORDERED that the Clerk of Court shall provide appointed counsel with a copy of the complete Court file.

A handwritten signature in black ink, reading "Charles A. Shaw". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 5th day of November, 2010.